

**3728. Misbranding of Seconal Sodium capsules and methyltestosterone tablets.** U. S. v. John Homer Harrison and Joel Reibstein. Pleas of guilty. Fine of \$100 against John Homer Harrison and \$75 against Joel Reibstein, together with costs. (F. D. C. No. 31288. Sample Nos. 70432-K, 70512-K, 70513-K, 70702-K, 70703-K, 89785-K, 90016-K.)

**INFORMATION FILED:** January 28, 1952, District of Kansas, against John Homer Harrison and Joel Reibstein, pharmacists and comanagers of the Jayhawk Drug Store, Topeka, Kans.

**INTERSTATE SHIPMENT:** On or about August 31 and October 10 and 23, 1950, from the States of New Jersey and Missouri into the State of Kansas, of quantities of *Seconal Sodium capsules* and *methyltestosterone tablets*.

**ALLEGED VIOLATION:** On November 6, 9, 14, 20, and 29, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the drugs being misbranded.

John Homer Harrison was charged with making the sales involved in 4 of the counts, and Joel Reibstein was charged with making the sales involved in the remaining 3 counts.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the label of the repackaged *methyltestosterone tablets* failed to bear the common or usual name of the drug; and, Section 502 (b) (1), a portion of the repackaged *methyltestosterone tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** February 11, 1952. Pleas of guilty having been entered, the court imposed a fine of \$100 against John Homer Harrison and a fine of \$75 against Joel Reibstein, together with costs.

**3729. Misbranding of Tuinal capsules and Benzedrine Sulfate tablets.** U. S. v. Grover Stanton and Joseph F. Ernst (Gus B. Grover & Co.). Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 29438. Sample Nos. 51935-K, 51936-K, 54004-K, 54031-K, 54032-K.)

**INDICTMENT RETURNED:** January 4, 1951, Southern District of Mississippi, against Grover Stanton and Joseph F. Ernst, copartners in a partnership trading as Gus B. Grover & Co., Natchez, Miss.

**ALLEGED VIOLATION:** On or about June 20 and August 12, 1949, the defendants caused a number of *Tuinal capsules* and *Benzedrine Sulfate tablets* which were misbranded to be introduced and delivered for introduction into interstate commerce, at Natchez, Miss., for delivery into the State of Ohio.

On or about September 28, 1949, while a number of the *Tuinal capsules* and *Benzedrine Sulfate tablets* were being held for sale at the store of Gus B. Grover & Co., Natchez, Miss., after shipment in interstate commerce, the de-